

LEGISLATURE OF THE STATE OF IDAHO
Sixty-first Legislature Second Regular Session - 2012

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 700

BY WAYS AND MEANS COMMITTEE

AN ACT

RELATING TO FOOD; AMENDING TITLE 22, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 13, TITLE 22, IDAHO CODE, TO PROVIDE FOR THE IDAHO FOOD FREEDOM ACT, TO PROVIDE LEGISLATIVE INTENT, TO DEFINE TERMS, TO PROVIDE FOR A PURPOSE, TO PROVIDE FOR EXEMPTION FROM LICENSING, CERTIFICATION AND INSPECTION FOR CERTAIN TRANSACTIONS, TO PROVIDE REQUIREMENTS RELATING TO TRANSACTIONS, TO PROHIBIT CERTAIN SALES OR USE IN COMMERCIAL FOOD ESTABLISHMENTS, TO PROVIDE FOR CONSTRUCTION OF SPECIFIED LAW, TO REQUIRE FOOD PROTECTION MANAGER CERTIFICATES AND TO PROVIDE FOR LABELING; AMENDING SECTION 22-703A, IDAHO CODE, TO PROVIDE AN EXEMPTION FROM SPECIFIED PROVISIONS OF LAW RELATING TO ONIONS FOR THE SALE OF CERTAIN FARM PRODUCTS; AMENDING SECTIONS 22-1102 AND 22-1204, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 22-1207, IDAHO CODE, TO PROVIDE THAT THE IDAHO POTATO COMMISSION MAY PROVIDE ALTERNATE AGREEMENTS FOR PERSONS WHO SELL POTATOES ONLY TO INFORMED END-CONSUMERS FOR PRIVATE USE OR WHO SELL AT FARMERS MARKETS; AND AMENDING SECTIONS 22-2502, 22-2914, 22-3103, 22-3503, 22-3603, 22-3703 AND 37-1520, IDAHO CODE, TO REVISE DEFINITIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Title 22, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 13, Title 22, Idaho Code, and to read as follows:

CHAPTER 13
IDAHO FOOD FREEDOM ACT

22-1301. LEGISLATIVE INTENT -- IDAHO FOOD FREEDOM ACT. (1) The legislature recognizes that in the years preceding 1960, Idaho farmers grew a large percentage of the food eaten in the state. There has, however, been a gradual shift away from eating locally grown foods. Today a majority of the food eaten by Idahoans is not from Idaho. It is prudent to seek a better balance. The legislature recognizes the importance of the agricultural products that are exported outside of the state, which help the farming community and support jobs.

It is, however, also important to increase the amount of food grown in Idaho for Idaho consumption. Populations whose diets are high in fruits and vegetables experience better health, with lower rates of obesity and related chronic conditions. The ability to grow, sell and easily obtain a consistent, adequate supply of fresh food can increase food security and empower Idaho families and communities to be more healthy and self-sufficient.

The legislature also recognizes that small business is the backbone of Idaho's economy and Idaho food production can help promote entrepreneurship and self-sufficiency in Idaho's small towns, revitalizing regional agricul-

1 tural communities, creating jobs, business opportunities and the recircula-
 2 tion of capital within Idaho.

3 Therefore, it is the intent of the legislature to encourage Idaho-grown
 4 food production for consumption in the state of Idaho by Idahoans to be used
 5 in their own kitchen pantries and on their own dinner tables.

6 22-1302. DEFINITIONS. As used in this chapter:

7 (1) "Agent" means a person who conducts commerce on behalf of a producer
 8 or a processor;

9 (2) "Agri-tourism" means a style of vacation that normally takes place
 10 on a farm or ranch and includes any farm or ranch that is open to the public
 11 at least part of the year. Agri-tourism may include the opportunity to par-
 12 ticipate in agricultural tasks, including harvesting fruits and vegetables,
 13 riding horses, tasting honey, learning about wine and shopping in farm or
 14 ranch gift shops and farm stands for local and regional agricultural produce
 15 or hand-crafted gifts;

16 (3) "Delivery" means the transfer of a product resulting from a trans-
 17 action between a producer, or by the producer's designated agent, and an
 18 informed end-consumer. The delivery may occur at a farm, ranch, home, office
 19 or any location agreed to between the producer and the informed end-con-
 20 sumer;

21 (4) "Establishment" means and includes any place or any area in which
 22 foods, drugs, devices and cosmetics are displayed for sale, manufactured,
 23 processed, packed, held or stored. "Establishment" does not include any
 24 place where homemade food is prepared for a traditional community social
 25 event or sold under the Idaho food freedom act;

26 (5) "Home consumption" means consumed within a private dwelling;

27 (6) "Homemade" means food that is prepared in a private home kitchen,
 28 and the food is not licensed, inspected or regulated;

29 (7) "Informed end-consumer" means a person who is the last person to
 30 purchase any product, who does not resell the product and who has been in-
 31 formed that the product is not licensed, regulated or inspected;

32 (8) "Processor" means any person who processes or prepares products of
 33 the soil, or animals, for food or drink;

34 (9) "Producer" means any person who harvests any product of the soil, or
 35 animals, for food or drink;

36 (10) "Traditional community social event" means an event where people
 37 gather as part of a community for the benefit of those gathering or for the
 38 community including, but not limited to, a:

39 (a) Wedding;

40 (b) Funeral;

41 (c) Church or religious social;

42 (d) School event;

43 (e) Potluck;

44 (f) Neighborhood gathering;

45 (g) Social or civic club; and

46 (h) Youth club.

47 (11) "Transaction" means the exchange of buying and selling.

1 22-1303. PURPOSE -- EXEMPTION FROM LICENSING -- PRODUCT TRANSACTIONS
 2 -- LABELING. (1) The purpose of the Idaho food freedom act is to allow for
 3 traditional community social events involving the sale and consumption of
 4 homemade foods and to encourage the expansion and accessibility of roadside
 5 stands, ranch, farm and home-based sales, and producer to informed end-con-
 6 sumer agricultural sales, by:

- 7 (a) Promoting the purchase and consumption of fresh and local agricul-
- 8 tural products;
- 9 (b) Enhancing the agricultural economy;
- 10 (c) Encouraging agri-tourism opportunities in Idaho;
- 11 (d) Providing Idaho citizens with unimpeded access to healthy food from
- 12 known sources; and
- 13 (e) Encouraging the expansion and accessibility of roadside stands,
- 14 ranch and farm-based sales and direct producer to end-consumer agricul-
- 15 tural sales.

16 (2) Any farm producer or farm-based processor who is selling his prod-
 17 uct only at roadside stands or by ranch, farm and home-based sales directly
 18 to the informed end-consumer is exempt from any licensing requirements under
 19 Idaho law except as herein described.

20 (3) Notwithstanding any other provision of law, there shall be no li-
 21 censure, certification or inspection by any Idaho state agency or any agency
 22 of any political subdivision of the state of Idaho provided there is only one
 23 (1) transaction between the farm producer, the farm-based processor or the
 24 farm-based processor's agent and the informed end-consumer when the food is
 25 for home consumption or the food is prepared for a traditional community so-
 26 cial event.

27 (4) Product transactions under this chapter shall:

- 28 (a) Be directly between the producer and the informed end-consumer;
- 29 (b) Be only for home consumption;
- 30 (c) Occur only in Idaho;
- 31 (d) Not involve interstate commerce; and
- 32 (e) Not be subject to licensing, regulation or inspection.

33 (5) Except for raw, unprocessed fruit and vegetables, food shall not be
 34 sold or used in any commercial food establishment unless the food has been
 35 licensed, regulated or inspected pursuant to the provisions of Idaho law.

36 (6) Nothing in this chapter shall be construed to impede the Idaho de-
 37 partment of health and welfare in any investigation of an outbreak of food-
 38 borne illness.

39 (7) Nothing in this chapter shall be construed to change the require-
 40 ments for brand inspection or animal health inspections.

41 (8) Persons preparing food for consumption at a roadside stand or farm,
 42 ranch or home-based sales facility shall hold a food protection manager cer-
 43 tificate.

44 (9) Any processed food which is sold at a roadside stand or farm, ranch
 45 or home-based sales facility for long-term storage shall be labeled. Such
 46 label shall show the name of the producer, the ingredients of the contents,
 47 the month and year of the production and contact information of the producer.

48 SECTION 2. That Section 22-703A, Idaho Code, be, and the same is hereby
 49 amended to read as follows:

1 22-703A. RETAIL SALES OF ONIONS. (1) All onions sold to the consumer
 2 by retail stores in this state shall be graded, sized and marked in accor-
 3 dance with United States standards for grades of onions. Nothing in the pro-
 4 visions of this section shall prohibit the sale of bulk onions to the con-
 5 sumer in retail stores if such onions are clearly identified to the consumer
 6 as to grade, size and state of origin providing, however, that locally grown
 7 onions need not comply with the above standards if clearly marked UNGRADED.

8 (2) The department of agriculture may inspect all onions offered for
 9 sale in retail stores, and at all wholesale distributors or onion dealers
 10 selling or offering onions for sale to retail outlets. The purpose of the in-
 11 spections shall be to ensure that onions offered for sale are properly iden-
 12 tified as to grade and size and are within the standards established by the
 13 United States for grades of onions. Any inspectors appointed by the depart-
 14 ment may order the removal or regrading and remarking of any onions which are
 15 misbranded or mismarked or which no longer meet the required standards of the
 16 grade.

17 (3) The department of agriculture may promulgate rules and regula-
 18 tions, in accordance with chapter 52, title 67, Idaho Code, necessary to
 19 enforce the provisions of this section.

20 (4) Farm products sold at roadside stands, farms, ranches or home-based
 21 sales facilities directly to an informed end-consumer shall be exempt from
 22 the provisions of this section.

23 (5) The department shall be entitled to injunctive relief against any
 24 and all violators of the provisions of this section or of any rules and reg-
 25 ulations promulgated pursuant to this section. The department may recover
 26 any and all damages of any character resulting from such violation or viola-
 27 tions.

28 SECTION 3. That Section 22-1102, Idaho Code, be, and the same is hereby
 29 amended to read as follows:

30 22-1102. DEFINITIONS. In this chapter:

31 (1) "Director" means the director of the department of agriculture or
 32 the director's designee.

33 (2) "Food products" shall include all agricultural, horticultural,
 34 viticultural and vegetable products of the soil, apiary and apiary products,
 35 poultry and poultry products, livestock and livestock products, milk and
 36 dairy products and aquaculture products.

37 (3) "Handler" means any person engaged in the business of handling
 38 agricultural products, including producers who handle crops or livestock of
 39 their own production, except such term shall not include final retailers of
 40 agricultural products that do not process agricultural products.

41 (4) "Livestock" means any cattle, sheep, goat, swine, poultry, or
 42 equine animals used for food or in the production of food, fiber, feed, or
 43 other agricultural-based consumer products; wild or domesticated game; or
 44 other nonplant life, except such term shall not include aquatic animals or
 45 bees for the production of food, fiber, feed, or other agricultural-based
 46 consumer products.

47 (5) "Organic certification seal" means the design approved by the di-
 48 rector and which when imprinted or affixed on labels, packages or products,
 49 or used in advertising in any manner, shall signify that the standards and

1 rules developed in accordance with the provisions of this chapter and all
2 other conditions of the provisions of this chapter have been met.

3 (6) "Organic food product" means any food product that is marketed us-
4 ing the term organic, or any derivative of the term organic in its labeling or
5 advertising. Organic foods are those processed, packaged, transported and
6 stored to retain maximum nutritional value, without the use of artificial
7 preservatives, coloring or other additives, irradiation, or synthetic pes-
8 ticides.

9 (7) "Organically grown food products" means food products which are
10 produced without the use of synthetically compounded fertilizers, pesti-
11 cides, or growth regulators for a period not less than thirty-six (36) months
12 prior to harvest. Organically grown food products are produced under the
13 standards and rules established in accordance with the provisions of this
14 chapter and by other qualified agencies.

15 (8) "Person" means an individual, partnership, corporation, associa-
16 tion, cooperative, or other entity.

17 (9) "Producer" means a person who engages in the business of growing or
18 producing food, fiber, feed, and other agricultural-based consumer prod-
19 ucts. A "producer" does not include anyone who produces farm products and
20 sells such farm products at a roadside stand, farm, ranch or home-based sales
21 facility directly to an informed end-consumer and the provisions of this
22 chapter shall not apply to such person. Provided however, in the event a
23 person sells farm products to the general public and to an informed end-con-
24 sumer, that person shall not be subject to any licensure, certification or
25 inspection by any Idaho state agency or by any agency of any political sub-
26 division of the state of Idaho, only insofar as to those sales to an informed
27 end-consumer.

28 (10) "Vendor" means any person who sells organic food products to the
29 consumer or another vendor.

30 SECTION 4. That Section 22-1204, Idaho Code, be, and the same is hereby
31 amended to read as follows:

32 22-1204. DEFINITIONS. As used in this act:

33 1. The term "commission" means the Idaho potato commission.

34 2. The term "person" means individual, partnership, corporation, asso-
35 ciation, grower and/or any other business unit.

36 3. The term "potatoes" means and includes only potatoes sold or in-
37 tended for human consumption and grown in the state of Idaho.

38 4. "Shipment" of potatoes shall be deemed to take place when the pota-
39 toes are loaded within the state of Idaho, in a car, bulk, truck or other con-
40 veyance in which the potatoes are to be transported for sale or otherwise.

41 5. The term "dealer" means and includes any person engaged in the busi-
42 ness of buying, receiving, processing, or selling potatoes for profit or re-
43 muneratation.

44 6. The term "shipper" means and includes one who is properly licensed
45 under federal and state laws and actively engaged in the packing and shipping
46 of potatoes in the primary channel of trade in interstate commerce, and who
47 ships more than he produces.

48 7. The term "grower" means one who is actively engaged in the production
49 of farm products, primarily potatoes, and who is not engaged in the ship-

ping or processing of potatoes. A "grower" does not include anyone who produces farm products and sells such farm products at a roadside stand, farm, ranch or home-based sales facility directly to an informed end-consumer and the provisions of this chapter shall not apply to such person with the exception of the alternate agreement provisions provided in section 22-1207(14), Idaho Code. Provided however, in the event a person sells farm products to the general public and to an informed end-consumer, that person shall not be subject to any licensure, certification or inspection by any Idaho state agency or by any agency of any political subdivision of the state of Idaho, only insofar as to those sales to an informed end-consumer.

8. Potatoes shall be deemed to be delivered into the primary channel of trade when any such potatoes are sold or delivered for shipment, or delivered for canning and/or processing into by-products.

9. The term "hundredweight" means each one hundred (100) pound unit or combination of packages making a hundred (100) pound unit of any shipment of potatoes based on invoice and/or bill of lading records.

10. The term "processor" means a person who is actively engaged in the processing of potatoes for human consumption.

11. The term "processing" means changing the form of potatoes from the raw or natural state into a product for human consumption.

12. The term "handler" means and includes any person processing potatoes or handling them in the primary channel of trade.

13. The term "tax" means an assessment levied on potatoes covered by this act for the sole purpose of financing, on behalf of the potato industry in Idaho, the commission's activities in carrying out the purposes of this act.

SECTION 5. That Section 22-1207, Idaho Code, be, and the same is hereby amended to read as follows:

22-1207. POWERS AND DUTIES OF COMMISSION. The powers and duties of the commission shall include the following:

(1) To adopt and from time to time alter, rescind, modify and/or amend all proper and necessary rules and orders for the exercise of its powers and the performance of its duties under this chapter.

(2) To contract and be contracted with.

(3) To employ and at its pleasure discharge agents, personnel, and such other help as it deems necessary and to outline their powers and duties and fix their compensation.

(4) To make in the name of the commission such agreements as may be necessary.

(5) To keep books, records and accounts of all its doings, which books, records and accounts shall be open to inspection by the state controller at all times.

(6) To purchase or authorize the purchase of all office equipment and supplies and to incur all other reasonable and necessary expenses and obligations in connection with and required for the proper carrying out of the provisions of this chapter.

(7) To cooperate with any local, state or national organization or agency, whether voluntary or created by the law of any state, or the United States government, engaged in work or activity similar to the work and activ-

ities of the commission, and to enter into contracts and agreements with such organizations or agencies for carrying on a joint campaign of research, education, product protection, promotion and reciprocal enforcement of these objectives.

(8) To investigate and prosecute in the name of the state of Idaho violations of this chapter or any suit or action for the collection of fees, taxes or penalties as hereinafter provided, or to protect brands, marks, packages, brand names, trademarks, certification marks or other intellectual property rights being promoted or used by the commission.

(9) To lease, purchase or own the real or personal property deemed necessary in the administration of this chapter.

(10) To define and describe such grade or grades of potatoes in accordance with the provisions of this chapter.

(11) To define and designate the character of the brands, labels, stencils, or other distinctive marks under which said potatoes may be promoted in order to secure the greatest returns to producers.

(12) To devise and require the application of either a seal, label, brand, package, or any other suitable device that will protect the identity of the original Idaho pack of potatoes as near to the final consumer as possible.

(13) Whenever and wherever it deems it to be necessary the commission shall use its offices to prevent any substitution of other potatoes for Idaho potatoes and to prevent the misrepresentation, mislabeling or the misbranding of Idaho potatoes at any and all times at any and all points where they discover the same is being done and to require the disclosure of the growing area of origin upon potato containers by all persons doing business in the state of Idaho.

(14) To require all those using any of the Idaho potato trade or certification marks, or handling or packing potatoes grown in Idaho, to execute an agreement in the form prescribed by the commission to ensure compliance with the provisions of this chapter. The commission may provide an alternate agreement for persons who sell potatoes only to informed end-consumers for private use or who sell at farmers markets.

(15) To devise a suitable system for tracking shipments of Idaho potatoes and Idaho potato products to prevent the misrepresentation, mislabeling or the misbranding of Idaho potatoes.

(16) To prevent the unlicensed use of the Idaho potato trade or certification marks including, but not limited to, the marks "Grown in Idaho," "Famous Idaho Potatoes" and "Idaho Potatoes."

(17) To make, conduct or carry on studies and research in connection with the raising, production and promotion of potatoes, including study and research dealing with the industrial and other uses of potatoes and their byproducts, and the extension and stabilization of markets for such commodities; to disseminate information with respect to such study and research as a part of the commission's promotional activities authorized by this chapter and to assist, aid and educate growers, dealers and handlers in the raising, production and promotion of potatoes.

(18) To require all persons with their principal place of business located in the state of Idaho to pay a one hundred dollar (\$100) annual license fee for use of any Idaho potato trade or certification mark and to require all

1 persons with their principal place of business located outside of the state
 2 of Idaho to pay a three hundred dollar (\$300) annual license fee for use of
 3 any Idaho potato trade or certification mark.

4 For the accomplishment of such ends the commission is hereby empowered
 5 to employ the necessary persons or contract for the performance of required
 6 services; to cooperate with any organization of growers in this state,
 7 whether organized by authority of law or voluntary, engaged in carrying on
 8 similar activities and to participate jointly with any such organization,
 9 by contract or otherwise, in financing such study and research or paying for
 10 the employment of persons or services required or in carrying out projects
 11 and programs as herein contemplated; provided, however, expenditures autho-
 12 rized by the commission for the purposes herein mentioned shall not exceed an
 13 amount equal to twelve and one-half percent (12 1/2%) of the tax collected on
 14 potatoes levied and imposed pursuant to section 22-1211, Idaho Code.

15 Provided, further, that none of the powers specified in subsection (17)
 16 of this section shall be exercised, and no expenditure of revenue as provided
 17 in subsection (17) of this section shall be authorized except upon the affir-
 18 mative vote of six (6) or more of the members of the commission.

19 (19) The commission, in furtherance of its duties under this chapter and
 20 under its rules, shall have the power to administer oaths, certify to offi-
 21 cial acts and to issue subpoenas for the attendance of witnesses and the pro-
 22 duction of papers, books, accounts, documents and testimony. The commission
 23 may, if a witness refuses to attend or testify, or to produce any papers re-
 24 quired by such subpoenas, report to the district court in and for the county
 25 in which the proceeding is pending, by petition, setting forth that due no-
 26 tice has been given of the time and place of attendance of said witnesses,
 27 or the production of said papers, that the witness has been properly sum-
 28 moned, and that the witness has failed and refused to attend or produce the
 29 papers required by this subpoena before the commission, or has refused to an-
 30 swer questions propounded to him in the course of said proceedings, and ask
 31 an order of said court compelling the witness to attend and testify and pro-
 32 duce said papers before the commission. The court, upon the petition of the
 33 commission, shall enter an order directing the witness to appear before the
 34 court at a time and place to be fixed by the court in such order, the time to
 35 be not more than ten (10) days from the date of the order, and then and there
 36 shall show cause why he had not attended and testified or produced said pa-
 37 pers before the commission. A copy of said order shall be served upon said
 38 witness. If it shall appear to the court that said subpoena was regularly is-
 39 sued by the commission and regularly served, the court shall thereupon order
 40 that said witness appear before the commission at the time and place fixed in
 41 said order, and testify or produce the required papers. Upon failure to obey
 42 said order, said witness shall be dealt with for contempt of court. Provided
 43 that in proceedings before the commission where evidence is sought from wit-
 44 nesses who are not residents of this state, the commission is authorized to
 45 obtain subpoenas issued by the clerk of the district court. Subpoenas so re-
 46 quested shall be issued by the clerk of the district court under the seal of
 47 the court, shall state the name of the court and the title of the administra-
 48 tive action, and shall command each person to whom it is directed to attend
 49 and give testimony at a time and place therein specified. Subpoenas shall be
 50 used only to require attendance of a witness at a deposition or hearing. The

1 clerk shall issue a subpoena or a subpoena for the production of documentary
 2 evidence, signed and sealed but otherwise in blank, to a party requesting it,
 3 who shall fill it in before service.

4 SECTION 6. That Section 22-2502, Idaho Code, be, and the same is hereby
 5 amended to read as follows:

6 22-2502. DEFINITIONS. The following terms shall be construed respec-
 7 tively when used in this chapter to mean:

8 (1) "Apiary" means any place where one (1) or more colonies of bees are
 9 kept, or one (1) or more hives containing honey combs or bee combs are kept.

10 (2) "Bee diseases" means a condition of a colony of bees wherein suf-
 11 ficient numbers of individual bees or the colony as a whole are afflicted by
 12 or infested with bacterial, fungal, viral, parasitic, or other organisms to
 13 the extent that the well-being of the colony is affected. Specific diseases
 14 shall be determined by rule.

15 (3) "Bees" means any stage of common honey bee, *Apis mellifera* L.

16 (4) "Colony" means the hive and bees therein with or without extra su-
 17 pers.

18 (5) "Comb" means and includes all materials which are normally de-
 19 posited into hives by bees. It does not include extracted honey or royal
 20 jelly, trapped pollen and processed beeswax.

21 (6) "Commercial beekeeper" means a person engaged in the management of
 22 honey bees for their products and for pollination services.

23 (7) "Director" means the director of the Idaho department of agricul-
 24 ture or his designated agent.

25 (8) "Equipment" means hives, supers, frames, veils, gloves or any ap-
 26 paratus, tools, machines or other devices used in the handling and manipula-
 27 tion of bees, wax and hives, and shall also include any containers for honey
 28 and wax which may be used in any apiary or in transporting bees and their
 29 products and apiary supplies.

30 (9) "Exotic strain of bees" means African or Africanized bees (*Apis*
 31 *mellifera scutellata*) or any other developed strain of bees known to be harm-
 32 ful, but not known to be present ordinarily in this state.

33 (10) "Hive" means frame, hive, box, barrel, log gum, skep, or any other
 34 receptacle or container, natural or artificial, or any part thereof, which
 35 may be used as a domicile for bees.

36 (11) "Hobbyist beekeeper" means a person engaged in the management of
 37 honey bees for pleasure and whose stock does not exceed fifty (50) colonies.
 38 A "hobbyist beekeeper" includes a person who sells honey or honey products
 39 from a roadside stand, farm, ranch or home-based sales facility directly to
 40 an informed end-consumer.

41 (12) "Persons" means individuals, associations, partnerships and cor-
 42 porations.

43 (13) "Queen apiary" means any apiary or premises in which queen bees are
 44 reared or kept for sale or gift.

45 SECTION 7. That Section 22-2914, Idaho Code, be, and the same is hereby
 46 amended to read as follows:

47 22-2914. DEFINITIONS. As used in this act:

1 (a) The term "commission" means the Idaho bean commission.

2 (b) The term "person" means individual, partnership, organization,
3 corporation, association, and/or any other business unit.

4 (c) The term "beans" means all dry beans sold or intended for human con-
5 sumption or for seed purposes grown in the state of Idaho.

6 (d) "Shipment" of beans means loading beans within the state of Idaho in
7 a car, bulk truck, or other conveyance, to be transported for sale or other-
8 wise.

9 (e) The term "dealer" means and includes any person engaged in the busi-
10 ness of buying, receiving, cleaning, or selling beans for profit or remunera-
11 tion, in this state or another state.

12 (f) The term "handler" means any person handling beans in the primary
13 channels of trade.

14 (g) The term "grower" means the actual producer of any beans defined
15 in this act. A "grower" does not include anyone who produces farm products
16 and sells such farm products at a roadside stand, farm, ranch or home-based
17 sales facility directly to an informed end-consumer and the provisions of
18 this chapter shall not apply to such person. Provided however, in the event a
19 person sells farm products to the general public and to an informed end-con-
20 sumer, that person shall not be subject to any licensure, certification or
21 inspection by any Idaho state agency or by any agency of any political sub-
22 division of the state of Idaho, only insofar as to those sales to an informed
23 end-consumer.

24 (h) "Delivery" means the placing of beans into primary channels of
25 trade when any such beans are sold or delivered for shipment or delivered for
26 canning or processing into by-products.

27 (i) The term "hundredweight" means each one hundred (100) pound or com-
28 bination of packages making a hundred (100) pound unit of any shipment of
29 beans based on invoice and/or bill of lading records.

30 SECTION 8. That Section 22-3103, Idaho Code, be, and the same is hereby
31 amended to read as follows:

32 22-3103. DEFINITIONS. Wherever used or referred to in this act:

33 1. The term "commission" means the Idaho hop grower's commission.

34 2. The term "person" means individual, partnership, corporation, asso-
35 ciation, growers or any other business unit.

36 3. The term "hops" means all hops grown, picked, dried and baled in the
37 state of Idaho and all oils or extracts or lupulin derived therefrom but does
38 not include hops, or any oils or extracts or lupulin derived therefrom which
39 are grown in the state of Idaho but which are picked, or dried or baled out-
40 side of the state of Idaho and hops, or any oils, extracts or lupulin derived
41 therefrom, which are grown outside of the state of Idaho but are picked, or
42 dried or baled in the state of Idaho.

43 4. The term "grower" means the actual producer of hops. A "grower" does
44 not include anyone who produces farm products and sells such farm products
45 at a roadside stand, farm, ranch or home-based sales facility directly to
46 an informed end-consumer and the provisions of this chapter shall not apply
47 to such person. Provided however, in the event a person sells farm products
48 to the general public and to an informed end-consumer, that person shall not
49 be subject to any licensure, certification or inspection by any Idaho state

1 agency or by any agency of any political subdivision of the state of Idaho,
2 only insofar as to those sales to an informed end-consumer.

3 5. The term "bale" means 200 pounds of hops net.

4 6. The term "handled in the primary channels of trade," means the time
5 when any hops are delivered under a sales contract or delivered for shipment
6 or delivered for processing or consumption.

7 7. The term "dealer" means and includes any person engaged in the busi-
8 ness of buying, receiving, handling or selling hops for profit or remunera-
9 tion.

10 SECTION 9. That Section 22-3503, Idaho Code, be, and the same is hereby
11 amended to read as follows:

12 22-3503. DEFINITIONS. As used in the act, unless the context requires
13 otherwise:

14 (1) The term "peas and lentils" means dry peas, lentils, chickpeas and
15 garbanzos grown in the state of Idaho except it does not include wrinkled va-
16 rieties of peas grown for seed or chickpeas or garbanzos grown south of the
17 Salmon River.

18 (2) "Commercial channels" means the sale of peas or lentils for use as
19 food, feed, seed, or any industrial or chemurgic use, when sold to any com-
20 mercial buyer, user, dealer, processor, cooperative, or to any person, pub-
21 lic or private, who resells any pea or lentil product produced from peas or
22 lentils.

23 (3) "Commission" means the Idaho pea and lentil commission.

24 (4) "First purchaser" means any person, group, association, partner-
25 ship, or corporation that buys peas or lentils from the grower in the first
26 instance, or any lienholder, public or private, including the commodity
27 credit corporation, who may possess peas or lentils from the grower under any
28 lien.

29 (5) "Grower" means any landowner personally engaged in growing peas
30 or lentils, a tenant of the landowner personally engaged in growing peas or
31 lentils, or both the owner and the tenant jointly, and includes a person,
32 partnership, association, corporation, cooperative, trust, sharecropper or
33 any and all other business units, devices and arrangements, who has grown or
34 marketed peas or lentils in either of the preceding two (2) years. A "grower"
35 does not include anyone who produces farm products and sells such farm prod-
36 ucts at a roadside stand, farm, ranch or home-based sales facility directly
37 to an informed end-consumer and the provisions of this chapter shall not
38 apply to such person. Provided however, in the event a person sells farm
39 products to the general public and to an informed end-consumer that person
40 shall not be subject to any licensure, certification or inspection by any
41 Idaho state agency or any agency of any political subdivision of the state of
42 Idaho only insofar as to those sales to an informed end-consumer.

43 (6) "Sale" includes any pledge, mortgage, trade, or contract device, or
44 delivery of peas or lentils for sale or payment after harvest to any person,
45 public or private.

46 (7) "Deliver" means placing of peas or lentils into the primary chan-
47 nels of trade.

48 (8) "Dealer" means any person, group, association, partnership or cor-
49 poration which acts as principal or agent or otherwise in selling, market-

ing, warehousing, or distributing dry peas or lentils not produced by such person, group, association, partnership or corporation.

(9) "Processor" means any person, group, association, partnership or corporation which acts as principal or agent or otherwise in processing dry peas or lentils not produced by such person, group, association, partnership or corporation.

SECTION 10. That Section 22-3603, Idaho Code, be, and the same is hereby amended to read as follows:

22-3603. DEFINITIONS. As used in this act, unless the context requires otherwise:

(1) "Commission" means the Idaho apple commission.

(2) "Grower" means any landowner personally engaged in growing apples, a tenant personally engaged in growing apples, or both the owner and the tenant jointly, and includes a person, partnership, association, corporation, cooperative organization, trust, sharecropper, or any and all other business units, devices and arrangements, that grow apples. A "grower" does not include anyone who produces farm products and sells such farm products at a roadside stand, farm, ranch or home-based sales facility directly to an informed end-consumer and the provisions of this chapter shall not apply to such person. Provided however, in the event a person sells farm products to the general public and to an informed end-consumer, that person shall not be subject to any licensure, certification or inspection by any Idaho state agency or by any agency of any political subdivision of the state of Idaho, only insofar as to those sales to an informed end-consumer.

(3) "Dealer" means any person, partnership, association, corporation, cooperative or other business units and devices who first handles, packs, ships, buys or sells apples, or who acts as sales or purchasing agent, broker or factor of apples.

(4) "Ship" means to load apples into any mode of conveyance for transport in the channels of trade or to market.

(5) "Processor" and "Processing Plant" means every person, partnership, association, corporation, cooperative or other business units and devices to whom and every place to which apples are delivered for drying, freezing, dehydrating, canning, pressing, powdering, extracting, cooking and for use in producing a product or manufacturing a manufactured article.

(6) "District No. 1" shall consist of the following counties: Canyon, Ada, Owyhee, Elmore, Camas, Blaine, Gooding, Lincoln, Minidoka, Jerome, Twin Falls, Cassia, Power, Oneida, Bannock, Franklin, Bear Lake, Caribou, Bonneville, Madison, Teton, Jefferson, Fremont, Butte, Clark and Bingham.

(7) "District No. 2" shall consist of the following counties: Gem, Boise, Valley, Custer and Lemhi.

(8) "District No. 3" shall consist of the following counties: Payette, Washington, Adams, Idaho, Lewis, Nez Perce, Clearwater, Latah, Benewah, Shoshone, Kootenai, Bonner and Boundary.

(9) "Person" means any partnership, association, corporation, cooperative or other business units or devices.

SECTION 11. That Section 22-3703, Idaho Code, be, and the same is hereby amended to read as follows:

1 22-3703. DEFINITIONS. Definitions as used in this act, unless the con-
2 text requires otherwise:

3 (1) "Commission" means the Idaho cherry commission.

4 (2) "Grower" means any landowner personally engaged in growing cher-
5 ries, a tenant personally engaged in growing cherries or both the owner and
6 tenant jointly, and includes a person, partnership, association, corpora-
7 tion, cooperative organization, trust, sharecropper, or any and all other
8 business units, devices and arrangements that grow cherries. A "grower"
9 does not include anyone who produces farm products and sells such farm prod-
10 ucts at a roadside stand, farm, ranch or home-based sales facility directly
11 to an informed end-consumer and the provisions of this chapter shall not
12 apply to such person. Provided however, in the event a person sells farm
13 products to the general public and to an informed end-consumer, that person
14 shall not be subject to any licensure, certification or inspection by any
15 Idaho state agency or by any agency of any political subdivision of the state
16 of Idaho, only insofar as to those sales to an informed end-consumer.

17 (3) "Dealer" means any person, partnership, association, corporation,
18 cooperative or other business unit or device who first handles, packs,
19 ships, buys or sells cherries or who acts as sales or purchasing agent, bro-
20 ker or factor of cherries.

21 (4) "Ship" means to load cherries into any mode of conveyance for trans-
22 port in the channels of trade or to market.

23 (5) "Processor" and "processing plant" means every person, partner-
24 ship, association, corporation, cooperative or other business unit or
25 device to whom and every place to which cherries are delivered for drying,
26 freezing, dehydrating, canning, pressing, powdering, extracting, cooking
27 and for use in producing a product or manufacturing a manufactured product.

28 (6) "District No. 1" shall consist of the following counties: Gem,
29 Boise, Valley, Custer and Lemhi.

30 (7) "District No. 2" shall consist of the following counties: Canyon,
31 Ada, Owyhee, Elmore, Camas, Blaine, Gooding, Lincoln, Minidoka, Jerome,
32 Twin Falls, Cassia, Power, Oneida, Bannock, Franklin, Bear Lake, Caribou,
33 Bonneville, Madison, Teton, Jefferson, Fremont, Butte, Clark, Bingham,
34 Payette, Washington, Adams, Idaho, Lewis, Nez Perce, Clearwater, Latah,
35 Benewah, Shoshone, Kootenai, Bonner and Boundary.

36 (8) "Person" means any partnership, association, corporation, cooper-
37 ative or other business unit or device.

38 SECTION 12. That Section 37-1520, Idaho Code, be, and the same is hereby
39 amended to read as follows:

40 37-1520. DEFINITIONS. When used in this act:

41 (a) The term "candling" shall refer to the act or function of determin-
42 ing the grade of eggs; and the term "candler" shall refer to the person per-
43 forming that act or function.

44 (b) The term "carton" shall mean a container containing one (1) dozen
45 eggs.

46 (c) The term "director" shall refer to the director of the department of
47 agriculture.

48 (d) The term "consumer" shall mean a person who purchases eggs or egg
49 products for use as food and not for resale in any form.

1 (e) The term "container" shall mean any carton, case, box, basket,
2 sack, bag or other receptacle.

3 (f) The term "dealer" or "egg handler" shall mean any person who ac-
4 quires eggs or egg products from a producer or distributor for resale to con-
5 sumers.

6 (g) The term "distributor" shall refer to any person having possession
7 or control of eggs or egg products for the purpose of candling, grading,
8 packing, selling, peddling, distributing, dealing in or trading in eggs or
9 egg products for resale to a dealer in the state of Idaho, but shall not refer
10 to a producer when engaging in the sale of eggs or egg products to a distribu-
11 tor or when engaging in the sale of eggs directly to a consumer at the place of
12 production.

13 (h) The term "grade" when used as a verb shall mean to classify eggs as
14 to quality and size, and when used as a noun shall mean the classification as
15 to quality and size so established.

16 (i) The term "person" shall include an individual, partnership, corpo-
17 ration, firm, association and agent.

18 (j) The term "producer" shall mean a person engaged in the business
19 of operating or controlling the operation of one or more farms, ranches or
20 establishments on which eggs or egg products are produced in the state of
21 Idaho. A "producer" does not include anyone who produces farm products and
22 sells such farm products at a roadside stand, farm, ranch or home-based sales
23 facility directly to an informed end-consumer and the provisions of this
24 chapter shall not apply to such person. Provided however, in the event a
25 person sells farm products to the general public and to an informed end-con-
26 sumer, that person shall not be subject to any licensure, certification or
27 inspection by any Idaho state agency or by any agency of any political sub-
28 division of the state of Idaho, only insofar as to those sales to an informed
29 end-consumer.

30 (k) The term "sale" or "sell" or "selling" or "sold" shall include sale,
31 offer of sale, display for sale, have in possession for sale, exchange,
32 barter, trade or other dealing.

33 (l) "Intrastate commerce" means any eggs or egg products in intrastate
34 commerce whether such eggs or egg products are intended for sale, held for
35 sale, offered for sale, sold, stored, transported or handled in this state
36 in any manner and prepared for eventual distribution in this state whether at
37 wholesale or retail.